

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MATTHEW HUNTER,) 4:15CV3063

)

Plaintiff,)

)

v.)

**MEMORANDUM
AND ORDER**

NEBRASKA DEPARTMENT OF)

CORRECTIONS, FRED BRITTON,)

and SCOT FRAKES,)

)

Defendants.)

This matter is before the court on its own motion. The court granted Plaintiff Matthew Hunter leave to proceed in forma pauperis on September 14, 2015, while he was incarcerated. The court takes judicial notice of Nebraska Department of Correctional Services public records, which show that Plaintiff was released from incarceration on January 28, 2016. *See Stutzka v. McCarville, 420 F.3d 757, 761, n.2 (8th Cir. 2005)* (court may take judicial notice of public records).

Since Plaintiff is no longer incarcerated, he must now file a new application for leave to proceed in forma pauperis if he wishes to continue pursuing this case in forma pauperis. Plaintiff may, in the alternative, pay the court's \$400.00 filing and administrative fees.

IT IS THEREFORE ORDERED that:

1. Plaintiff must either file a new request for leave to proceed in forma pauperis or pay the court's \$400.00 filing and administrative fees within 30 days. Failure to take either action will result in dismissal of this matter without further notice to Plaintiff.

2. The clerk of the court is directed to send to Plaintiff the Form AO 240, "Application to Proceed Without Prepayment of Fees and Affidavit."

3. The clerk of the court is directed to set a pro se case management deadline with the following text: March 21, 2016: deadline for Plaintiff to file new IFP application or pay filing fee.

DATED this 18th day of February, 2016.

BY THE COURT:

s/ John M. Gerrard
United States District Judge